

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 22 and 30-32 have been amended. New claim 34 is presented. Accordingly, claims 22 and 25-27 and 29-34 remain pending.

35 U.S.C. §103

Claims 22, 25-27, and 29-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ueda* in view of *Perry* (6813973). As previously discussed, *Ueda* is a vibration type angular velocity meter. The Examiner admits that:

Ueda does not disclose the multiple of independently rotatable masses disposed a predetermined distance from the axis of rotation.

The Examiner relies upon the secondary reference *Perry* as follows:

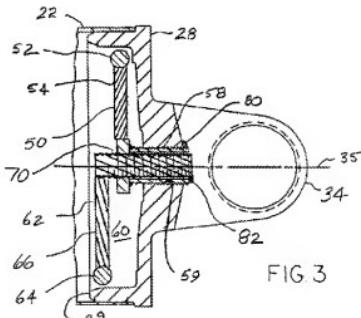
Perry teaches the use of a multiple of independently rotatable masses (38, 52) extending from a radial arm (50 39) disposed a predetermined distance from the axis of rotation (35).

*It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of *Ueda* to include the rotatable masses as taught by *Perry* in order to increase the adjustability of the balance.*

Notably, however, *Perry* fixedly mounts balance weights 52, 64.

The present invention relates to a vehicular drive shaft assembly adapted for being balanced about an axis of rotation. The vehicular drive shaft assembly includes a drive shaft tube having a first end and a second end, and a first tube yoke including a first radially outer wall fixedly mounted to the first end of the drive shaft tube. A first balance pendulum is located radially inward of the first outer wall and rotationally fixable relative to the first tube yoke, and a second balance pendulum is located radially inward of the first outer wall and rotationally fixable relative to the first tube yoke. Also a second tube yoke is fixedly mounted to the second end of the drive shaft tube.

[Col. 2, lines 43-54]



Threads 58 and 70 rotationally lock the balance pendulums 50, 62 in place within drive shaft assembly 20. That is, contrary to the Examiner's interpretation, *Perry* simply does not teach

independently movable masses. Applicant respectfully submits that the claims are properly allowable for at least this reason.

Nonetheless, Applicant has amended claim 22 to specifically recite that each of said multiple of independent rotatable masses extends from a radial arm operable to independently spin about said axis of rotation. As stated in the Decision on Appeal, the Board determined that *Ueda's* mass members do not spin on the Z axis. [7/30/2009 Decision on Appeal, p. 5.] Applicant respectfully submits that even if the combination were proper – which it is not – the proposed combination simply fails to disclose or suggest such an arrangement.

New claim 34 recites further features of the present invention which are neither disclosed nor suggested by the cited references and is thus properly allowable.

Please charge \$52 to Deposit Account No. 19-2189 for 1 claim in excess of 20. If any additional fees or extensions of time are required, please charge to Deposit Account No. 19-2189.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully submitted,

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